

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

De Lage Landen Financial Services, Inc. :
Plaintiff : CIVIL ACTION NO. 02-CV-2810
vs. : HON. RONALD L. BUCKWALTER
Toshiba America Medical Systems, Inc. :
Intervenor :
Plaintiff :
vs. :
DeSoto Diagnostic Imaging, LLC., Randon :
J. Carvel, Lynn T. Carvel, Delta Radiology, :
P.C. and Zobar Properties, LLC. :
Defendants

ORDER

This matter being brought before the Court by McCarter & English, LLP, counsel for plaintiff De Lage Landen Financial Services, Inc. (the “Plaintiff”) on Plaintiff’s Motion For Partial Summary Judgment Under Federal Rule of Civil Procedure 56 against Defendants, Randon J. Carvel, Lynn T. Carvel, Delta Radiology, P.C. and Zobar Properties, LLC (collectively, the “Guarantor Defendants”) on the ground that there is no genuine issue as to any material fact and that Plaintiff is entitled to judgment as a matter of law as to certain claims , and the Court having considered the said Motion and all supporting and supplemental affidavits, certifications, exhibits, documents and briefs, and all opposing affidavits, certifications, exhibits, documents and briefs filed by the Guarantor Defendants;

It is on this _____ day of _____, 2004 ORDERED that:

Plaintiff’s Motion for Partial Summary Judgment is GRANTED as follows:

1. Summary Judgment for liability as to Count II of Plaintiff's Complaint is hereby GRANTED in favor of Plaintiff and against defendants Randon J. Carvel, Lynn T. Carvel, Delta Radiology, P.C. and Zobar Properties, LLC (collectively the "Guarantor Defendants") in the sum of \$2,928,590 plus interest at the per diem rate of \$984.53 from and after April 2, 2004; and
2. Guarantor Defendants shall pay DLL's attorneys' fees and costs as determined by this Court.

BY THE COURT:

RONALD L. BUCKWALTER, U.S.D.J.